

Notice of Allowability

Application No.

10/724,174

Examiner

Kianni C. Kaveh

Applicant(s)

CHEN ET AL.

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/26/05.
2. ☒ The allowed claim(s) is/are 2-14 and 21-27.
3. ☒ The drawings filed on 01 December 0103 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

KAVEH KIANNI
PRIMARY EXAMINER



Applicant's canceling of claim 1 in the amendment/response submitted on 10/26/06 is acknowledged.

Newly submitted claims 28-33 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Group A, claims 1-14 are directed to including a composition of matter comprising carbon-fluorine; Group B, claims 28-33 directed to including a composition of matter comprising carbon-halogen bonds. Thus, each of the above group inventions directed to an invention that is distinct, and requires a different search, than that of other inventions.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 28-33 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

In an interview conducted between the Examiner and Mr. Brown on 1/4-1/5 2006, the examiner explained the difference between the new claims and the originally presented claims and thus Mr. Brown stated, on 1/5/06, that the applicant elects the originally presented claims with traverse, however, they agree to cancel all the nonelected claims 15-20—originally presented non-elected claims—and claims 28-33—the newly presented, non-elected claims—without prejudice.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Brown on 12/5/2006 in order to cancel the nonelected claims 28-33 and 15-20 so as to allow the case.

Please cancel claims 15-20 and 28-33.

Reason for Allowance

Claims 2-14 and 21-27 are allowed for the following reasons:

The instant application is deemed to be directed to a nonobvious improvement over the invention patented in Pat. No. Barbera-Guillem (US 200/40203170).

Claims 2, 6, 8, 21-24 are allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious wherein the quantum dots comprise at least one organic cap compound comprising at least one aromatic group in combination with the rest of the limitations of the base claim. Claims 6, 8, 21-24 depend on claim 2 and thus are allowed.

Claim 5 is allowed because the prior art of record, taken alone or in

combination, fails to disclose or render obvious wherein the polymer chains comprise aromatic groups in combination with the rest of the limitations of the base claim.

Claims 3-4, 7, 25-27 depend on claim 5 and thus are allowed.

Claim 9 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious an optical core comprising a polymer matrix comprising polymer chains having a plurality of carbon-fluorine bonds in combination with the rest of the limitations of the base claim. Claims 10-14 depend on claim 9 and therefore they are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Cyrus Kianni whose telephone number is (571) 272-2417.

The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached at (571) 272-2415.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for formal communications intended for entry)

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or:

Hand delivered responses should be brought to Crystal Plaza 4, 2021 South Clark Place, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956.

January 5, 2006

A handwritten signature in black ink, appearing to read 'KAVEH KIANNI', with a long horizontal flourish extending to the right.

**KAVEH KIANNI
PRIMARY EXAMINER**